

In the Title:

Please amend the Title of the Invention as follows:

~~**ATAXIA ASSOCIATED GENE AND PROTEIN**~~ **METHODS FOR THE
DETECTION OF VARIANT CAYMAN ATAXIA NUCLEIC ACIDS**

REMARKS

Applicants note that all amendments, cancellations, and additions of Claims presented herein are made without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG),¹ and without waiving the right to prosecute the cancelled claims (or similar claims) in the future.

The Examiner has objected to the title as not being descriptive of the elected invention (Office Action, pg. 3). The Applicants have amended the title to specifically describe the presently claimed invention. As such, the Applicants respectfully request that the objection be withdrawn.

The Examiner has indicated that the application contains subject matter drawn to a non-elected invention (Cayman Ataxia polypeptides) (Office Action, pg. 2). The Applicants have amended the Claims to cancel the detection of variant Cayman Ataxia polypeptides as requested by the Examiner.

I. The Claims are Supported by Written Description

Claims 1, 4-12, and 15 are rejected under 35 U.S.C. 112, first paragraph as allegedly lacking written description (Office Action, pg. 3). In particular, the Examiner states: "Applicants have not adequately disclosed the relevant identifying characteristics of a representative number of species within the claimed genus." (Office Action, pg. 6). The Applicants respectfully disagree. Nonetheless, In order to further the business interests of the Applicants and while reserving the right to prosecute the original (or similar) claims in the future, the Applicants have amended Claim 1 to include the detection of specific Cayman Ataxia variants. Support for this amendment can be found in the specification, for example, on page 98, line 17 to page 99, line 2. As such, the Applicants submit that the claims are supported by adequate written description and respectfully request that the rejection be withdrawn.

¹ 65 Fed. Reg. 54603 (Sept., 8, 2000).

II. The Claims are Enabled

Claims 1, 4-12, and 15 are rejected under 35 U.S.C. 112, first paragraph as allegedly lacking enablement (Office Action, pg. 6). The Applicants respectfully disagree. As described above, the Claims have been amended to refer to detection of specific Cayman Ataxia variants described in the specification. As such, the Applicants submit that the claims are enabled and respectfully request that the rejection be withdrawn.


III. The Claims are Novel

Claims 1, 4, 6-12, and 15 are rejected under 35 U.S.C. 102(b), as allegedly being anticipated by Nystuen et al. (Human Mol. Genetics, 5:525 [1996]; hereinafter Nystuen). The Applicants respectfully disagree. As described above, the Claims have been amended to refer to detection of specific Cayman Ataxia variants described in the specification (variants of SEQ ID NOs: 3 and 11). Nystuen does not teach any nucleic acids sequences, let alone the nucleic acid sequences of SEQ ID Nos: 3 and 11 or the specific variants of such sequences recited in the presently claimed invention. As such, the Applicants submit that Nystuen does not teach all of the elements of the claims as required for rejection under 35 U.S.C. 102(b). Accordingly, the Applicants respectfully request that the rejection be withdrawn.

CONCLUSION

If a telephone interview would aid in the prosecution of this application, the Examiner is encouraged to call the undersigned collect at (618) 218-6900.

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